



The Honorable Ronald B. Leighton



05-CV-05065-STIP

IN THE U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SEH AMERICA, INC.,

Plaintiff,

vs.

THE BOC GROUP, INC., BOC
EDWARDS, A DIVISION OF THE BOC
GROUP, PLC, and AIRCO INDUSTRIAL
GASES A/K/A AIRCO, INC.,

Defendants.

NO. CV-05-5605 RBL

AGREED MOTION FOR AN
EXTENSION OF TIME FOR
DEFENDANT TO FILE AN ANSWER OR
RESPONSIVE PLEADING TO
PLAINTIFF'S AMENDED COMPLAINT

NOTE ON MOTION CALENDAR:
Friday, November 18, 2005

[Clerk's action required]

1. AGREED MOTION

Pursuant to Fed. R. Civ. P. 6(b), Plaintiff SEH America, Inc. ("SEH") and Defendants The BOC Group, Inc., and Airco Industrial Gases (hereinafter collectively "BOC") respectfully request an extension of time to file the responsive pleading to SEH's first amended complaint filed October 4, 2005 (hereinafter "Amended Complaint")¹. See Amended Complaint (dkt. no. 13). The time for BOC to respond was previously extended to November 11, 2005, to allow the date to be after the TRO hearing. The TRO motion was subsequently withdrawn, and the parties are now exploring possible resolution of the matter. The parties hereby request that time be

¹ BOC does not believe that BOC Edwards has been served, nor has service been waived on its behalf. However, BOC does not believe that BOC Edwards is a necessary party to the case at this time.

1 granted for BOC to file a responsive pleading to the Amended Complaint, making its response
2 due on or before January 17, 2006.

3 The parties now seek the approval of the court. *In re Sonoma V*, 703 F.2d 429, 431-32
4 (9th Cir. 1983) (parties may not agree to enlargement of time under FRCP 6(b) without court
5 approval).

6 II. ARGUMENT AND AUTHORITY

7 The district court has broad discretion under FRCP 6(b)(1) to enlarge a period of time
8 established by the Rules or by court order. *Maldonado-Denis v. Castillo-Rodriguez*, 23 F.3d
9 576, 583 (1st Cir. 1994) (trial court has great leeway in granting enlargement of time).

10 The extension is requested because the parties are actively exploring alternative means of
11 resolving this matter. The parties intend to work cooperatively to expedite the conclusion of this
12 dispute and are seeking additional time in which to do so. Granting an extension here will
13 support the just, speedy and inexpensive determination of this matter, without diverting the
14 parties' energies to other potential motions that might result from filing a responsive pleading.

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III. CONCLUSION

The request for an extension should be granted because it has been agreed upon by all parties, and it will ensure that the parties an opportunity to explore alternative, more efficient methods of resolution of this matter.

DATED this 18th day of November, 2005.

HOLLAND & KNIGHT LLP

/s/

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IV. ORDER

IT IS SO ORDERED this 21st day of November, 2005.



The Honorable Ronald B. Leighton
United States District Court Judge

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